

88

Notice of Allowability

Application No.

10/763,437

Examiner

Theodore C. Shih

Applicant(s)

HOSOI, YOSHINOBU

Art Unit

3735

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed on January 26, 2004.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 1/26/04 & 5/24/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Art Unit: 3735

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Scott M. Schulte (Registration number 44325) on March 3, 2006.

The application has been amended as follows:

Rewrite Claim 1 as follows:

1. An optometric apparatus for subjectively examining visual functions of an eye of an examinee, the apparatus including:

a disposing unit for disposing an optical element in front of the examinee's eye;

a cornea position alignment optical system for checking a vertex distance between a back surface of the disposed optical element and a corneal vertex of the examinee's eye;

wherein the alignment optical system includes an aligning scale plate provided with a scale for checking the vertex distance, a reticle plate provided with a reticle and placed in a different place from the aligning scale plate, and a first reference mark and a second reference mark for positioning an eye of an examiner in a point at a predetermined distance from the reticle plate, the first reference mark is provided to have a first positional relation with respect to the aligning scale plate and the reticle plate, the second reference mark is provided to have a second positional relation with respect to the aligning scale plate and the reticle plate, different from the first positional

Art Unit: 3735

relation, the first and second reference marks [being provided in different places and] appearing, to the examiner's eye, to have a predetermined positional relation with each other when the examiner's eye is positioned in the point at the predetermined distance from the reticle plate and views the reference marks from that point.

Rewrite Claim 4 as follows:

4. The optometric apparatus according to claim 1, wherein shapes and positions of the first and second reference marks are determined so that the reference marks appear overlapped, to the examiner's eye, when the examiner's eye is positioned in the point at the predetermined distance from the reticle and views the reference marks from that point.

3. The following is an examiner's statement of reasons for allowance: Applicant cites several prior art references related to an optometric apparatus. Further, additional optometric apparatus prior art are provided on the attached PTO-892. Allen et al'969 (US Patent 2,081,969) discloses a lens (optical element) in front of the examinee's eye (page 3, col. 1, lines 9-18), and a reticle with graduation marks (page 4, col. 1, lines 10-16) in a cornea alignment system. Cocks'384 (US Patent 3,536,384) teaches an apparatus for determining corneal curvature including a reticle with cross hair (col. 3, lines 54-55); a plurality of lenses (optical element) in an eyepiece (col. 3, lines 57-59); and a cornea alignment and focusing system (col. 4, lines 6-13). Ames, Jr.'015 (US Patent 2,063,015) teaches an eye testing instrument including a cornea positioning

Art Unit: 3735

optical system (see Figure X); a cross line fixation means (reticle plate) (page 5, col. 1, lines 11-15); and arms adapted to support trial lens cells (disposing unit for disposing an optical element) (page 3, col. 1, lines 48-50). Church et al'864 (US Patent 2,290,864) teaches a range finder including a reticle with crosshairs, field lens and eye lens (optical elements) (page 1, col. 2, lines 45-46); and a lath provided with parallel measuring marks (scale plate provided with a scale) (page 2, col. 2, lines 55-57). Cardona'730 (US Patent 3,664,710) teaches an ophthalmoscope including aligning the instrument with the eye (col. 4, lines 19-21); optical elements (col. 6, lines 63-65); and reticle (col. 6, lines 54-55).

4. However, none of the prior art teaches or suggests, either alone or in combination an optometric apparatus including: a cornea position alignment optical system for checking the vertex distance between the back surface of the optical element in use and the corneal vertex of the examinee's eyes; and a reference mark in a positional relation with respect to the aligning scale plate and the reticle plate, and another reference mark having a different positional relation with respect to the aligning scale plate and the reticle plate to denote a spatial relationship between each other when the examiner views the marks at a predefined position in combination with the other claimed elements. Furthermore, none of the prior art teaches or suggests, either alone or in combination an optometric apparatus including two aligning scale plates with marked scales corresponding to vertex distances in combination with the other claimed elements.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theodore C. Shih whose telephone number is (571) 272-7234. The examiner can normally be reached on 8:30-5:00 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on (571) 272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ERIC F. WINAKUR
PRIMARY EXAMINER